

EXHIBIT 22
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA, :
et al., :
Plaintiffs :
v. : No. 1:23-cv-00108
GOOGLE, LLC, :
Defendants. :

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Monday, August 21, 2023

Video Deposition of CHRISTOPHER KOEPKE,
taken at the Law Offices of Paul, Weiss,
Rifkind, Wharton & Garrison LLP, 2001 K St NW,
Washington, DC, beginning at 9:35 a.m. Eastern
Standard Time, before Ryan K. Black, Registered
Professional Reporter, Certified Livenote
Reporter and Notary Public in and for the
District of Columbia

Job No. CS6043164

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<p>1 APPEARANCES:</p> <p>2</p> <p>3 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>4 ANTITRUST DIVISION</p> <p>5 BY: KATHERINE CLEMONS, ESQ.</p> <p>6 VICTOR LIU, ESQ.</p> <p>7 ALVIN CHU, ESQ.</p> <p>8 MARK SOSNOWSKY, ESQ. - Via Zoom</p> <p>9 450 5th Street, N.W.</p> <p>10 Washington, DC 20530</p> <p>11 202.514.2414</p> <p>12 katherine.clemons@usdoj.gov</p> <p>13 victor.liu@usdoj.gov</p> <p>14 alvin.chu@usdoj.gov</p> <p>15 mark.sosnowsky@usdoj.gov</p> <p>16 Representing - The United States of America</p> <p>17</p> <p>18 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP,</p> <p>19 BY: MARTHA L. GOODMAN, ESQ.</p> <p>20 HEATHER C. MILLIGAN, ESQ.</p> <p>21 2001 K St NW,</p> <p>22 Washington, DC</p> <p>23 202.223.7341</p> <p>24 mgoodman@paulweiss.com</p> <p>25 hmilligan@paulweiss.com</p> <p>26 Representing - Google LLC</p> <p>27</p> <p>28 ALSO PRESENT:</p> <p>29 Orson Braithwaite - Legal Videographer</p> <p>30 Kenneth Whitley - Department of Health and Human</p> <p>31 Services</p>	<p>1 THE VIDEOGRAPHER: Good morning. We are</p> <p>2 going on the record at 9:35 a.m. on August 21st,</p> <p>3 2023. Please note that the microphones are</p> <p>4 sensitive and may pick up whispering and private</p> <p>5 conversations. Please mute your phones at this</p> <p>6 time. Audio and video recording will continue to</p> <p>7 take place unless all parties agree to go off the</p> <p>8 record.</p> <p>9 This is Media Unit 1 of the</p> <p>10 video-recorded deposition of Mr. Christopher</p> <p>11 Koepke in the matter of United States, et al.,</p> <p>12 versus Google, LLC, filed in the United States</p> <p>13 District Court Eastern District of Virginia</p> <p>14 Alexandria Division, Case Number</p> <p>15 1:23-cv-00108-LMB-JFA.</p> <p>16 My name is Orson Braithwaite,</p> <p>17 representing Veritext Legal Solutions, and I'm</p> <p>18 the videographer. The court reporter is Ryan</p> <p>19 Black, from the firm Veritext Legal Solutions.</p> <p>20 Counsel will now state their appearances</p> <p>21 and affiliations for the record.</p> <p>22 MS. GOODMAN: Martha Goodman, from Paul</p> <p>23 Weiss, on behalf of Google LLC.</p> <p>24 MS. MILLIGAN: Heather Milligan, also on</p> <p>25 behalf of Paul Weiss, for Google.</p>
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<p>1 INDEX</p> <p>2 TESTIMONY OF: CHRISTOPHER KOEPKE PAGE</p> <p>3 By Ms. Goodman.....6</p> <p>4 EXHIBITS</p> <p>5 EXHIBIT DESCRIPTION PAGE</p> <p>6 Exhibit 65 a document Bates Numbered</p> <p>7 CMS-ADS-11906 through 11974...117</p> <p>8 Exhibit 66 a document Bates Numbered</p> <p>9 CMS-ADS-23248 through 23337...136</p> <p>10 Exhibit 67 a document Bates Numbered</p> <p>11 CMS-ADS-59892 through 59893...151</p> <p>12 Exhibit 68 a document Bates Numbered</p> <p>13 CMS-ADS-593107 through 593110...167</p> <p>14 Exhibit 69 a document Bates Numbered</p> <p>15 CMS-ADS-183807 through 183811...181</p> <p>16 Exhibit 70 a document Bates Numbered</p> <p>17 CMS-ADS-529199 through 529200...190</p> <p>18 Exhibit 71 a document Bates Numbered</p> <p>19 CMS-ADS-189390.....251</p> <p>20 Exhibit 72 a document Bates Numbered</p> <p>21 CMS-ADS-64968 through 64971....258</p> <p>22 Exhibit 73 a document Bates Numbered</p> <p>23 CMS-ADS-440295.....265</p> <p>24 Exhibit 74 a document Bates Numbered</p> <p>25 CMS-ADS-531032 through 531072...268</p> <p>26 Exhibit 75 a document Bates Numbered</p> <p>27 CMS-ADS-569654 through 569667...273</p>	<p>1 MS. CLEMONS: Katherine Clemons, with</p> <p>2 the Department of Justice, on behalf of the</p> <p>3 United States of America, CMS and the witness.</p> <p>4 MR. LIU: Victor Liu, also with the</p> <p>5 Department of Justice, on behalf of the United</p> <p>6 States and CMS.</p> <p>7 MR. CHU: Alvin Chu, on behalf of United</p> <p>8 States.</p> <p>9 MR. WHITLEY: Kenneth Whitley, Office of</p> <p>10 General Counsel, Department of Health and Human</p> <p>11 Services.</p> <p>12 MS. GOODMAN: And could the folks</p> <p>13 attending remotely please state your presence?</p> <p>14 MR. SOSNOWSKY: Mark Sosnowsky,</p> <p>15 Department of Justice, and I will be in and out</p> <p>16 of this deposition remotely. So if you lose me,</p> <p>17 please don't -- you can continue.</p> <p>18 THE VIDEOGRAPHER: Thank you.</p> <p>19 Would the court reporter please swear in</p> <p>20 the witness?</p> <p>21 * * *</p> <p>22 Whereupon --</p> <p>23 CHRISTOPHER KOEPKE,</p> <p>24 called to testify, having been first duly sworn</p> <p>25 or affirmed, was examined and testified as</p>

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<p style="text-align: right;">Page 6</p> <p>1 follows:</p> <p>2 * * *</p> <p>3 EXAMINATION</p> <p>4 BY MS. GOODMAN:</p> <p>5 Q. Good morning, Mr. Koepke.</p> <p>6 A. Good morning.</p> <p>7 Q. Have you been deposed before?</p> <p>8 A. I think once. I'm not exactly sure it</p> <p>9 was a formal deposition, --</p> <p>10 Q. Okay.</p> <p>11 A. -- but yes.</p> <p>12 Q. Was there a court reporter taking down</p> <p>13 everything you were saying?</p> <p>14 A. No, there was not.</p> <p>15 Q. Okay. So in this deposition,</p> <p>16 it's important that you allow me to finish my</p> <p>17 question before you answer, because our court</p> <p>18 reporter, Mr. Black, is taking down everything</p> <p>19 we're saying --</p> <p>20 A. All right.</p> <p>21 Q. -- and he can't take two people talking</p> <p>22 at the same time. Okay?</p> <p>23 A. All right.</p> <p>24 Q. So please let me finish my question</p> <p>25 before you begin your answer. Okay?</p>	<p style="text-align: right;">Page 8</p> <p>1 healthcare programs. When we need people,</p> <p>2 citizens of America to take an action, it is my</p> <p>3 job to do outreach to help them know what actions</p> <p>4 they need to take. I could probably go on for</p> <p>5 the rest of the day with details on that.</p> <p>6 Q. I'm sure we'll get to it. How long have</p> <p>7 you been the director -- is the strategic</p> <p>8 marketing -- strike that.</p> <p>9 Is the Strategic Marketing Group</p> <p>10 abbreviated SMG?</p> <p>11 A. Yes, it is.</p> <p>12 Q. Okay. How long have you been director</p> <p>13 of SMG?</p> <p>14 A. Approximately nine to ten years.</p> <p>15 Q. And prior to serving as director of SMG,</p> <p>16 what -- what job did you have, if any?</p> <p>17 A. I was the deputy director of the</p> <p>18 Creative Services Group in the Office of</p> <p>19 Communications at the Centers for Medicare and</p> <p>20 Medicaid Services.</p> <p>21 Q. And how long were you the deputy</p> <p>22 director of the Creative Services Group?</p> <p>23 A. I would say three to four years.</p> <p>24 Q. In your role as director of SMG, who do</p> <p>25 you report to?</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Okay.</p> <p>2 Q. Okay. And the court reporter also</p> <p>3 cannot record nonverbal answers or half verbal</p> <p>4 answers, like uh-huh or huh-uh, so please make</p> <p>5 sure to speak in a -- answer the questions</p> <p>6 verbally. Okay?</p> <p>7 A. Okay.</p> <p>8 Q. Okay. And I will assume that you</p> <p>9 understand my questions unless you ask me for a</p> <p>10 clarification. Okay?</p> <p>11 A. Okay.</p> <p>12 Q. And is there any reason you're unable to</p> <p>13 provide your truthful and accurate testimony here</p> <p>14 today?</p> <p>15 A. No.</p> <p>16 Q. Okay. What is your current title?</p> <p>17 A. Director of the Strategic Marketing</p> <p>18 Group in the Office of Communications at the</p> <p>19 Centers for Medicare and Medicaid Services.</p> <p>20 Q. And what are your responsibilities as</p> <p>21 the director of the Strategic Marketing Group at</p> <p>22 the Office of Communications at the Centers for</p> <p>23 Medicare and Medicaid Services?</p> <p>24 A. When -- this federal agency is</p> <p>25 responsible for Medicare, Medicaid and other</p>	<p style="text-align: right;">Page 9</p> <p>1 A. I report to the deputy director of the</p> <p>2 Office of Communications.</p> <p>3 Q. And what is that individual's name?</p> <p>4 A. Mary Wallace.</p> <p>5 Q. How long has Mary Wallace been the</p> <p>6 person to whom you've -- who you report?</p> <p>7 A. Nine to ten years.</p> <p>8 Q. And to whom does Ms. Wallace report?</p> <p>9 MS. CLEMONS: Objection; foundation.</p> <p>10 THE WITNESS: Many people, but the</p> <p>11 administrator of CMS.</p> <p>12 BY MS. GOODMAN:</p> <p>13 Q. And who is the current administrator of</p> <p>14 CMS?</p> <p>15 A. Chiquita Brooks-LaSure.</p> <p>16 Q. And how long has Ms. LaSure been the</p> <p>17 administrator at CMS?</p> <p>18 MS. CLEMONS: Objection; foundation.</p> <p>19 THE WITNESS: I don't know when she was</p> <p>20 confirmed.</p> <p>21 BY MS. GOODMAN:</p> <p>22 Q. Okay. How many administrators of CMS</p> <p>23 have you worked under over the course of your</p> <p>24 time as director of SMG?</p> <p>25 A. I could give you an approximate number.</p>

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<p style="text-align: right;">Page 10</p> <p>1 I'm sure I might be forgetting someone. Five or</p> <p>2 six.</p> <p>3 Q. And how about in the time period of 2019</p> <p>4 to 2023, how many administrators have you worked</p> <p>5 under in that time period?</p> <p>6 A. There's one detail I can't remember, but</p> <p>7 from confirmed administrators by the Senate would</p> <p>8 be two.</p> <p>9 Q. And what is the one detail you can't</p> <p>10 remember?</p> <p>11 A. Usually in between confirmed</p> <p>12 administrators there is a career administrator,</p> <p>13 and I cannot remember who that was or how many</p> <p>14 there were between the last two confirmed ones.</p> <p>15 Q. Okay. And are the -- those career</p> <p>16 officials, are they serving in an acting</p> <p>17 capacity, in your experience?</p> <p>18 A. That is correct.</p> <p>19 Q. And how many presidential</p> <p>20 administrations have you served under?</p> <p>21 MS. CLEMONS: Objection; vague.</p> <p>22 THE WITNESS: Five.</p> <p>23 BY MS. GOODMAN:</p> <p>24 Q. And are those both republican and</p> <p>25 democratic administrations?</p>	<p style="text-align: right;">Page 12</p> <p>1 Another is the Division of Digital Marketing.</p> <p>2 And the other one is the Division of Campaign</p> <p>3 Management.</p> <p>4 Q. Who is the head -- who is the division</p> <p>5 director of the Research Division?</p> <p>6 A. Clarese Astrin.</p> <p>7 Q. How long has Ms. Astrin been the</p> <p>8 director of the Research Division?</p> <p>9 A. I'm not sure exactly how many years it's</p> <p>10 been.</p> <p>11 Q. Can you approximate?</p> <p>12 A. About 10 years.</p> <p>13 Q. Okay. Who is the director of Digital</p> <p>14 Marketing?</p> <p>15 A. Mark Krawczyk.</p> <p>16 Q. How long has Mr. Krawczyk been the</p> <p>17 director of Digital Marketing?</p> <p>18 A. I'm not sure.</p> <p>19 Q. Can you approximate?</p> <p>20 A. I can.</p> <p>21 Q. What's your approximate --</p> <p>22 A. Six to seven years.</p> <p>23 Q. Who is the director of the Campaign</p> <p>24 Management Division?</p> <p>25 A. Barbara Johanson.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. Yes.</p> <p>2 Q. Are you also an adjunct -- oh, strike</p> <p>3 that.</p> <p>4 Who reports to you in your role as</p> <p>5 director of SMG?</p> <p>6 MS. CLEMONS: Objection; form.</p> <p>7 THE WITNESS: Do you want the entire</p> <p>8 list of people or my immediate reports?</p> <p>9 BY MS. GOODMAN:</p> <p>10 Q. Let's go with your direct reports,</p> <p>11 please.</p> <p>12 A. Okay. There would be three division</p> <p>13 directors, a special assistant, a deputy director</p> <p>14 and an office administrator.</p> <p>15 Q. And has that -- those one, two, three,</p> <p>16 four, five -- have you always had six direct</p> <p>17 reports in your time as director of SMG?</p> <p>18 A. I'm not sure.</p> <p>19 Q. How about in the time period of 2019 to</p> <p>20 2023, have you always had six direct reports?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Who are the -- what are the three</p> <p>23 divisions which report up to you as director of</p> <p>24 SMG?</p> <p>25 A. One of them is the Division of Research.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. And how long has Ms. Johanson been the</p> <p>2 director of the Campaign Management Division?</p> <p>3 A. I'm not sure.</p> <p>4 Q. How about an approximation?</p> <p>5 A. Three years.</p> <p>6 Q. Prior to serving as director of the</p> <p>7 Campaign Management Division, did Ms. Johanson</p> <p>8 have a role in the SMG?</p> <p>9 A. Yes.</p> <p>10 Q. What was her role prior to becoming</p> <p>11 director of the Campaign Management Division?</p> <p>12 A. She was an analyst within that division</p> <p>13 that she now directs.</p> <p>14 Q. And who is the deputy director that</p> <p>15 reports to you?</p> <p>16 A. Laura Salerno.</p> <p>17 Q. How long has she been the direct</p> <p>18 -- deputy director at SMG?</p> <p>19 A. I'm not sure.</p> <p>20 Q. How about an approximation?</p> <p>21 A. Three to four years.</p> <p>22 Q. Prior to being the deputy director, did</p> <p>23 Ms. Salerno have a job in the SMG?</p> <p>24 A. Yes, she did.</p> <p>25 Q. What was her role prior to becoming the</p>

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<p>1 deputy director?</p> <p>2 A. She was the division director at the</p> <p>3 division of Campaign Management.</p> <p>4 Q. Ah. So Ms. Johanson succeeded</p> <p>5 Ms. Salerno in that role; is that correct?</p> <p>6 A. There would be points of clarification</p> <p>7 on that, but for this purpose, yes.</p> <p>8 Q. What are the points of clarification</p> <p>9 that you're -- you're referencing?</p> <p>10 A. Immediately following Laura becoming the</p> <p>11 deputy director, we went through a few people on</p> <p>12 detail to -- as it takes time to post a</p> <p>13 position --</p> <p>14 Q. Got it.</p> <p>15 A. -- and for people to compete.</p> <p>16 Q. What are the responsibilities of the</p> <p>17 Campaign Management Division?</p> <p>18 A. There are many. Is there -- would -- do</p> <p>19 you want to be more specific?</p> <p>20 Q. Could you please start with a summary of</p> <p>21 the responsibilities of the Campaign Management</p> <p>22 Division?</p> <p>23 MS. CLEMONS: Objection to form.</p> <p>24 THE WITNESS: I could, but I'm wondering</p> <p>25 what part you would like me to summarize.</p>	<p>1 campaigns.</p> <p>2 BY MS. GOODMAN:</p> <p>3 Q. What are "direct response digital</p> <p>4 marketing campaigns"?</p> <p>5 A. That's when you reach to individuals</p> <p>6 directly, not through advertising, so, say,</p> <p>7 email, texting, maybe auto dials.</p> <p>8 Q. And so the Digital Marketing Division's</p> <p>9 direct response campaigns do not involve</p> <p>10 advertising agencies. Is that accurate?</p> <p>11 MS. CLEMONS: Objection; form.</p> <p>12 THE WITNESS: You know, there's gray</p> <p>13 area for everything. I wouldn't -- could you</p> <p>14 rephrase the question, please?</p> <p>15 BY MS. GOODMAN:</p> <p>16 Q. In order to execute their direct</p> <p>17 response marketing campaigns, does the Digital</p> <p>18 Marketing Division engage with advertising</p> <p>19 agencies via a contract?</p> <p>20 MS. CLEMONS: Objection to form.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. GOODMAN:</p> <p>23 Q. What advertising agencies do they engage</p> <p>24 with?</p> <p>25 A. Weber Shandwick, Elevation, and my other</p>
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<p>1 BY MS. GOODMAN:</p> <p>2 Q. I want to understand at first a</p> <p>3 high-level summary of what the Campaign</p> <p>4 Management respons -- division's responsibilities</p> <p>5 are.</p> <p>6 MS. CLEMONS: Objection to form.</p> <p>7 BY MS. GOODMAN:</p> <p>8 Q. And then I can ask further questions</p> <p>9 from there to drill down on what I'm hoping to</p> <p>10 learn from your testimony here today. Okay?</p> <p>11 A. Okay. They manage the campaigns that</p> <p>12 we conduct to serve people who need access to</p> <p>13 healthcare.</p> <p>14 Q. And by "campaigns," what do you mean?</p> <p>15 A. Programs designed to reach our audiences</p> <p>16 and inform them of the actions they need to take</p> <p>17 so that they can access healthcare.</p> <p>18 Q. And same -- same question for the</p> <p>19 Digital Marketing Division. What as a -- can</p> <p>20 you provide a high-level summary of the Digital</p> <p>21 Marketing di -- division's responsibilities?</p> <p>22 MS. CLEMONS: Objection; form.</p> <p>23 THE WITNESS: Digital Marketing is</p> <p>24 responsible for most of the agency's social media</p> <p>25 and our direct response digital marketing</p>	<p>1 one would be a guess.</p> <p>2 Q. Okay.</p> <p>3 A. So I'm not a hundred percent sure. In</p> <p>4 fact, I don't think so.</p> <p>5 Q. The services that Weber Shandwick</p> <p>6 and Elevation provide to the Digital Marketing</p> <p>7 Division, are those under the same contracts</p> <p>8 between CMS and those advertising agencies that</p> <p>9 the Campaign Management Division uses?</p> <p>10 MS. CLEMONS: Objection to form.</p> <p>11 THE WITNESS: I'm trying to think</p> <p>12 through time periods. Sorry.</p> <p>13 No.</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. So is it accurate that the Digital</p> <p>16 Marketing Division goes through a separate</p> <p>17 contract with Weber Shandwick, for example, in</p> <p>18 order to use advertising services for its work as</p> <p>19 compared to the Campaign Management Division?</p> <p>20 MS. CLEMONS: Objection to form. Calls</p> <p>21 for a legal conclusion.</p> <p>22 THE WITNESS: No.</p> <p>23 BY MS. GOODMAN:</p> <p>24 Q. Okay.</p> <p>25 A. The purpose there is not to actually do</p>

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<p>1 But it demonstrated that the outreach resulted in</p> <p>2 -- and this is the number I'm not -- but resulted</p> <p>3 in many people getting health coverage.</p> <p>4 BY MS. GOODMAN:</p> <p>5 Q. As compared to the prior year?</p> <p>6 A. We did not do Mixed Media Modeling the</p> <p>7 private -- prime -- the previous year, so as</p> <p>8 related to the number of uninsured people, --</p> <p>9 Q. Got it.</p> <p>10 A. -- the audience at that time. And other</p> <p>11 factors that could also increase enrollment.</p> <p>12 Q. What are the other factors that could</p> <p>13 also increase enrollment to which you're</p> <p>14 referring?</p> <p>15 A. For a set number of years, a law was</p> <p>16 passed that impacted the tax breaks that people</p> <p>17 could get for having health insurance, thereby</p> <p>18 reducing their premiums for the health insurance.</p> <p>19 Q. So over the time period at issue, or</p> <p>20 that I'm focusing on in this case, 2019 to 2023,</p> <p>21 it's fair to say that the budget available for</p> <p>22 advertising and outreach has increased, correct?</p> <p>23 MS. CLEMONS: Objection; form.</p> <p>24 THE WITNESS: Yes.</p> <p>25 BY MS. GOODMAN:</p>	<p>1 that could be the problem with my thinking, but</p> <p>2 display advertising has actually appeared, in my</p> <p>3 memory, from best that I can recall, to become</p> <p>4 more impactful.</p> <p>5 Q. In what ways that you can recall has</p> <p>6 display advertising become more impactful?</p> <p>7 A. Best of my recollection, return on</p> <p>8 investment appears to be higher.</p> <p>9 Q. And what return on investment are you</p> <p>10 tracking with respect to display advertising in</p> <p>11 the Open Enrollment campaigns?</p> <p>12 MS. CLEMONS: Objection to form.</p> <p>13 THE WITNESS: We have primarily three</p> <p>14 methods for looking at the role of display.</p> <p>15 Method Number 1 is looking at the people who</p> <p>16 directly interact with the ad, so what we often</p> <p>17 call last-click attribution. Method Number 2 is</p> <p>18 multi-source attribution; still within the</p> <p>19 digital realm. And Method Number 3 is the Mixed</p> <p>20 Media Modeling.</p> <p>21 BY MS. GOODMAN:</p> <p>22 Q. And so in what ways has the return on</p> <p>23 investment according to those methods gotten</p> <p>24 higher? Like, what changes are you seeing in</p> <p>25 those metrics vis-a-vis return on investment?</p>
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<p>1 Q. Okay. And how have you, in the</p> <p>2 Strategic Marketing Group, made decisions about</p> <p>3 how to spend those additional dollars over that</p> <p>4 time period?</p> <p>5 MS. CLEMONS: Objection; form.</p> <p>6 THE WITNESS: We considered the audience</p> <p>7 and how best to reach them, and we -- and we</p> <p>8 distribute the funds accordingly.</p> <p>9 BY MS. GOODMAN:</p> <p>10 Q. And what changes have you observed with</p> <p>11 respect to how best to reach the audiences you're</p> <p>12 trying to reach over the 2019 to '23 time period</p> <p>13 as part of the Open Enrollment campaigns?</p> <p>14 MS. CLEMONS: Objection; form.</p> <p>15 Foundation.</p> <p>16 THE WITNESS: I'm not sure the channel</p> <p>17 mix for most effectively reaching the audience</p> <p>18 during that time period, based on my observations</p> <p>19 of what would be best for reaching that audience,</p> <p>20 has changed significantly, more subtle changes.</p> <p>21 BY MS. GOODMAN:</p> <p>22 Q. And what are the subtle changes that you</p> <p>23 have observed?</p> <p>24 A. Over a time period, and this could be</p> <p>25 beyond the time period that you're mentioning, so</p>	<p>1 MS. CLEMONS: Objection; form.</p> <p>2 Foundation.</p> <p>3 THE WITNESS: To the best of my</p> <p>4 recollection, we are seeing an ability to</p> <p>5 attribute more application starts, and that is</p> <p>6 the number of people who would actually be</p> <p>7 applying for the tax break to help them pay for</p> <p>8 their health insurance, and more enrolling due to</p> <p>9 display ads, to the best of my recollection.</p> <p>10 BY MS. GOODMAN:</p> <p>11 Q. Have you observed any changes with</p> <p>12 respect to meeting the audience you're trying to</p> <p>13 reach with respect to video advertising in the</p> <p>14 2019 to '23 time period?</p> <p>15 MS. CLEMONS: Objection; form.</p> <p>16 THE WITNESS: I don't recall.</p> <p>17 BY MS. GOODMAN:</p> <p>18 Q. Are there any other subtle changes that</p> <p>19 you have observed over the 2019 to 2023 time</p> <p>20 period with respect to reaching the audience</p> <p>21 you're trying to reach for health -- Open</p> <p>22 Enrollment?</p> <p>23 MS. CLEMONS: Objection to form.</p> <p>24 THE WITNESS: I don't recall.</p> <p>25 BY MS. GOODMAN:</p>

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<p style="text-align: right;">Page 114</p> <p>1 Q. Okay. How about the -- have you</p> <p>2 observed any changes in the availability of</p> <p>3 advertising providers that you could use to reach</p> <p>4 your audience over the 2019 to 2023 time period?</p> <p>5 MS. CLEMONS: Objection to form.</p> <p>6 THE WITNESS: I don't recall.</p> <p>7 BY MS. GOODMAN:</p> <p>8 Q. So earlier we talked about a lot of the</p> <p>9 different programmatic providers that CMS has</p> <p>10 used.</p> <p>11 A. Mm-hmm.</p> <p>12 Q. Do you recall that testimony?</p> <p>13 A. Yes, I do.</p> <p>14 Q. Okay. With respect to those providers,</p> <p>15 were they all available to CMS in the 2019 year</p> <p>16 as compared to the 2023 year?</p> <p>17 MS. CLEMONS: Objection; form.</p> <p>18 THE WITNESS: I don't recall.</p> <p>19 BY MS. GOODMAN:</p> <p>20 Q. Are you aware of any advertising</p> <p>21 providers who were not available to CMS in</p> <p>22 2019 but who are available to CMS in 2023?</p> <p>23 MS. CLEMONS: Objection to form.</p> <p>24 THE WITNESS: I am not.</p> <p>25 BY MS. GOODMAN:</p>	<p style="text-align: right;">Page 116</p> <p>1 best of my recollection, that type of display</p> <p>2 ad has increased in its value to us.</p> <p>3 BY MS. GOODMAN:</p> <p>4 Q. And how does CMS go about -- what</p> <p>5 methods does CMS use to place these kinds of</p> <p>6 prospecting display ads?</p> <p>7 MS. CLEMONS: Objection to form.</p> <p>8 THE WITNESS: We direct our contractors</p> <p>9 to do it on our behalf.</p> <p>10 BY MS. GOODMAN:</p> <p>11 Q. And do you direct them to use any</p> <p>12 particular provider?</p> <p>13 MS. CLEMONS: Objection to form.</p> <p>14 Foundation.</p> <p>15 THE WITNESS: We will direct them to use</p> <p>16 particular providers.</p> <p>17 BY MS. GOODMAN:</p> <p>18 Q. Okay. So with respect to the increasing</p> <p>19 effectiveness of prospecting display ads, what</p> <p>20 providers have you used?</p> <p>21 MS. CLEMONS: Objection to form.</p> <p>22 THE WITNESS: Off the top of my mind, I</p> <p>23 can think of two --</p> <p>24 BY MS. GOODMAN:</p> <p>25 Q. Which are those?</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. Okay. So one of the subtle changes</p> <p>2 that you said you observed was that display has</p> <p>3 become more impactful, correct? And when you say</p> <p>4 "display," can you be more detailed about what</p> <p>5 kind of display advertising you mean that has</p> <p>6 become more impactful as in having a higher</p> <p>7 return on investment?</p> <p>8 MS. CLEMONS: Objection to form.</p> <p>9 THE WITNESS: So kind of display really</p> <p>10 covers a lot of categories, because there's</p> <p>11 creative, there's delivery systems, there's</p> <p>12 targeted. Do you have anything particularly in</p> <p>13 mind?</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. No. I want to understand what you mean</p> <p>16 by "display being more impactful."</p> <p>17 A. All right.</p> <p>18 MS. CLEMONS: Objection to form.</p> <p>19 THE WITNESS: So to the best of my</p> <p>20 recollection, display ads that -- what we would</p> <p>21 call -- I don't know. Let me see. I've gotta</p> <p>22 think of the term here -- prospecting. So those</p> <p>23 are the ads that go out and find people who could</p> <p>24 benefit from the program, who may or may not have</p> <p>25 ever interacted with the program before. To the</p>	<p style="text-align: right;">Page 117</p> <p>1 A. Which does not mean that there aren't</p> <p>2 others.</p> <p>3 Q. Sure.</p> <p>4 A. So Google and MIQ.</p> <p>5 MS. GOODMAN: Shall we take a break for</p> <p>6 lunch?</p> <p>7 MS. CLEMONS: Yeah.</p> <p>8 THE WITNESS: I'm good with whatever.</p> <p>9 THE VIDEOGRAPHER: The time is 12:22</p> <p>10 p.m. This ends Unit 2. We're off the record.</p> <p>11 (Lunch recess taken.)</p> <p>12 (Exhibit No. 65, a document Bates</p> <p>13 Numbered CMS-ADS-11906 through 11974, was</p> <p>14 introduced.)</p> <p>15 THE VIDEOGRAPHER: The time is 1:14 p.m.</p> <p>16 This begins Unit Number 3. We're on the record.</p> <p>17 BY MS. GOODMAN:</p> <p>18 Q. Mr. Koepke, I'm going to hand you a</p> <p>19 document marked Exhibit 65, CMS-ADS-11906 through</p> <p>20 11974.</p> <p>21 And this is a technical proposal from</p> <p>22 Weber Shandwick for Healthcare.gov 2010 Open</p> <p>23 Enrollment campaign, correct?</p> <p>24 A. I'm not sure. It's going to take me a</p> <p>25 minute to look at it.</p>

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<p>1 Q. Sure.</p> <p>2 A. It appears as such.</p> <p>3 Q. Okay. And what is the purpose of a</p> <p>4 technical proposal, to your knowledge?</p> <p>5 MS. CLEMONS: Objection; form.</p> <p>6 THE WITNESS: A technical proposal is</p> <p>7 part of a contracting process. So the offerers,</p> <p>8 which are the different ad agencies who might be</p> <p>9 interested in contracting with the federal</p> <p>10 government, would write a technical proposal to</p> <p>11 show their abilities to meet the standards that</p> <p>12 the federal government has set forward.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. And did multiple different contractors</p> <p>15 compete each year for the Open Enrollment</p> <p>16 campaign, or was it only Webber Shandwick?</p> <p>17 MS. CLEMONS: Objection to form.</p> <p>18 THE WITNESS: Each year?</p> <p>19 BY MS. GOODMAN:</p> <p>20 Q. Each year.</p> <p>21 A. Okay. It was not always only Weber</p> <p>22 Shandwick, to the best of my knowledge. I'm</p> <p>23 actually not a hundred percent sure, but -- so I</p> <p>24 don't know.</p> <p>25 Q. Okay. As the director of the Strategic</p>	<p>1 Marketing Group" incorrectly. It sounded correct</p> <p>2 to me.</p> <p>3 BY MS. GOODMAN:</p> <p>4 Q. Okay. I don't understand what the</p> <p>5 detail with respect to the Strategic Marketing</p> <p>6 Group led you to say no to my question.</p> <p>7 MS. CLEMONS: Objection to form.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. Can you explain that to me?</p> <p>10 A. Your question had three parts: Have I</p> <p>11 ever read a technical proposal. Is it about</p> <p>12 advertising. And is it for the Strategic</p> <p>13 Marketing Group at CMS. I guess that's four</p> <p>14 parts.</p> <p>15 The Strategic Marketing Group did not</p> <p>16 exist when I read the technical proposals.</p> <p>17 Q. When did you read the technical</p> <p>18 proposals?</p> <p>19 MS. CLEMONS: Objection to form.</p> <p>20 THE WITNESS: The early 2000s.</p> <p>21 BY MS. GOODMAN:</p> <p>22 Q. So since the early 2000s, is it accurate</p> <p>23 that you have not read the strat -- the technical</p> <p>24 proposals submitted by ad agencies?</p> <p>25 MS. CLEMONS: Objection to form.</p>
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<p>1 man -- Marketing Group, did you review technical</p> <p>2 proposals?</p> <p>3 A. No, I did not.</p> <p>4 MS. CLEMONS: Objection to form.</p> <p>5 THE WITNESS: I'm so sorry.</p> <p>6 BY MS. GOODMAN:</p> <p>7 Q. Have you ever had occasion to read</p> <p>8 them?</p> <p>9 MS. CLEMONS: Objection to form.</p> <p>10 THE WITNESS: Have I ever had the</p> <p>11 occasion to read a technical proposal of any</p> <p>12 sort?</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. Of -- related to any advertising</p> <p>15 campaign handled by the Strategic Marketing Group</p> <p>16 at CMS.</p> <p>17 A. You had a lot of very specific details</p> <p>18 in that question that would lead me to say no.</p> <p>19 Q. What are the specific details in my</p> <p>20 question that would lead you to say no?</p> <p>21 A. One of them was the "Strategic Marketing</p> <p>22 Group."</p> <p>23 Q. Did I state that incorrectly?</p> <p>24 MS. CLEMONS: Objection to form.</p> <p>25 THE WITNESS: You did not say "Strategic</p>	<p>1 THE WITNESS: The technical proposals</p> <p>2 are written by -- are read and judged by trained</p> <p>3 staff who work for me.</p> <p>4 BY MS. GOODMAN:</p> <p>5 Q. Okay. And so your trained staff read</p> <p>6 and review them, but you do not; is that correct?</p> <p>7 A. That is correct.</p> <p>8 Q. Okay. Do you discuss the technical</p> <p>9 proposals with your staff?</p> <p>10 A. I do not.</p> <p>11 Q. Why not?</p> <p>12 A. Because it is inappropriate for people</p> <p>13 judging a technical proposal to talk with other</p> <p>14 people about it in the process of an acquisition.</p> <p>15 Q. Why is that improper or inappropriate?</p> <p>16 A. I would only be doing conjecture, but</p> <p>17 it's -- the government has a goal to be fair to</p> <p>18 all businesses. And so, therefore, the people</p> <p>19 who read the proposals and judge them are doing</p> <p>20 so in a non-biased sense. And discussing with</p> <p>21 anyone else could -- could increase or add bias</p> <p>22 to a process.</p> <p>23 Q. And which of your staff reviewed</p> <p>24 technical proposals for the Healthcare.gov Open</p> <p>25 Enrollment campaigns in the '19 to '23 time</p>

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<p>1 thing. And -- and just describe other products</p> <p>2 and ask us what our goals are, and what have you,</p> <p>3 so that they would have a better understanding</p> <p>4 about how -- about how their products could be</p> <p>5 used, because, of course, they're trying to sell</p> <p>6 their products.</p> <p>7 Q. Did you find those meetings to be</p> <p>8 valuable?</p> <p>9 MS. CLEMONS: Objection to form.</p> <p>10 THE WITNESS: Valuable in what way?</p> <p>11 BY MS. GOODMAN:</p> <p>12 Q. Valuable to the work that you do at CMS</p> <p>13 in advertising.</p> <p>14 MS. CLEMONS: Objection; form.</p> <p>15 THE WITNESS: I find them valuable, in</p> <p>16 part, because it's really interesting to me to</p> <p>17 see how people do their work. And, yes, some of</p> <p>18 the data analytics that we've actually requested</p> <p>19 that they've done for us have been valuable.</p> <p>20 BY MS. GOODMAN:</p> <p>21 Q. Despite these meetings also being an</p> <p>22 opportunity for Google to explain how their</p> <p>23 products could be used, because, of course,</p> <p>24 they're trying to sell their products, does CMS</p> <p>25 still make an independent decision about which</p>	<p>1 including Google, have a policy that an ad should</p> <p>2 not -- what's the word I'm looking for -- mimic</p> <p>3 -- that's not the word I'm looking for, but it's</p> <p>4 like that, mimic some other existing</p> <p>5 organization, or mimic the government when you're</p> <p>6 not the government, basically.</p> <p>7 So, you know, an ad that says they're</p> <p>8 Medicare, and they're not actually Medicare, is</p> <p>9 misleading to people, and there are a lot of</p> <p>10 those ads on Google. And so when we find them,</p> <p>11 we send them and they -- we have conversations</p> <p>12 about that.</p> <p>13 Q. And what steps, if any, do you ask</p> <p>14 Google to take with respect to these ads -- these</p> <p>15 search ads you're describing?</p> <p>16 A. Take them down immediately. Asked for</p> <p>17 some monitoring support. I've asked for it.</p> <p>18 That is what I've asked for.</p> <p>19 Q. And what -- what has Google, in return,</p> <p>20 provided to you with respect to these search ads?</p> <p>21 A. Google has taken ads down when we find</p> <p>22 them, and that is Whac-A-Mole because anybody can</p> <p>23 put up an ad on Google if they've got a credit</p> <p>24 card. Google has created new policies about</p> <p>25 taking out ads for health insurance, and have met</p>
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<p>1 advertising products or services to use?</p> <p>2 A. Absolutely, yes.</p> <p>3 Q. Okay. Anything else, sitting here</p> <p>4 today, that you can recall about any</p> <p>5 conversations you have had with any individual</p> <p>6 from Google --</p> <p>7 MS. CLEMONS: Objection; form.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. -- relative to CMS's advertising?</p> <p>10 MS. CLEMONS: Same objection.</p> <p>11 THE WITNESS: That's a lot to try to</p> <p>12 recall. So it -- true specifics? No.</p> <p>13 Conversations? Yes.</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. Any other types of conversations, other</p> <p>16 than what we've discussed which you recall having</p> <p>17 with Google?</p> <p>18 A. Yes. Thank you.</p> <p>19 Q. You're welcome.</p> <p>20 A. In the search ad -- in the search ad</p> <p>21 arena, Google accepts ads -- or has accepted ads,</p> <p>22 from people who try to look like the government.</p> <p>23 And we discover these ads sometimes. And every</p> <p>24 time I see one, I would send it to Kunal, to</p> <p>25 Michelle. And -- because most digital companies,</p>	<p>1 with us about those policies.</p> <p>2 Q. So is it fair to say that Google is</p> <p>3 taking steps to address CMS's concerns with</p> <p>4 respect to search ads that mimic the government?</p> <p>5 MS. CLEMONS: Objection to form.</p> <p>6 THE WITNESS: It is fair to say Google</p> <p>7 has taken steps with regard to search ads.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. How about with respect to display ads?</p> <p>10 Are you aware of any conduct on the part of</p> <p>11 Google with respect to display ads that has</p> <p>12 negatively impacted CMS's advertising?</p> <p>13 MS. CLEMONS: Objection to form. And I</p> <p>14 would caution the witness not to -- to answer the</p> <p>15 question if your answer would reveal privileged</p> <p>16 communications with counsel.</p> <p>17 BY MS. GOODMAN:</p> <p>18 Q. Are you able to answer that question?</p> <p>19 A. No.</p> <p>20 Q. Prior to having any conversation with</p> <p>21 any lawyer with respect to Google Ads, any lawyer</p> <p>22 from the government, did you ever have any</p> <p>23 concerns that Google was engaging in</p> <p>24 anticompetitive conduct related to display</p> <p>25 advertising?</p>

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<p style="text-align: right;">Page 222</p> <p>1 MS. CLEMONS: Objection to form. Calls</p> <p>2 for a legal conclusion.</p> <p>3 THE WITNESS: No.</p> <p>4 BY MS. GOODMAN:</p> <p>5 Q. And prior to any conversation with any</p> <p>6 lawyer for the government, did you ever have any</p> <p>7 concerns that Google was causing CMS to pay more</p> <p>8 for display advertising than it should have been</p> <p>9 paying?</p> <p>10 A. Could you rephrase that, please -- or</p> <p>11 not rephrase. Just repeat it. That's what I</p> <p>12 meant. I'm so sorry.</p> <p>13 Q. That's okay.</p> <p>14 A. I used the wrong word.</p> <p>15 Q. Prior to any conversation with any</p> <p>16 lawyer for the government, did you ever have any</p> <p>17 concerns that Google was causing CMS to pay more</p> <p>18 for display advertising than it should have been</p> <p>19 paying?</p> <p>20 MS. CLEMONS: Objection; form.</p> <p>21 THE WITNESS: The tough part here is</p> <p>22 "should have been paying." That's an -- a really</p> <p>23 -- that suggests a lot of information.</p> <p>24 That being said, yes.</p> <p>25 BY MS. GOODMAN:</p>	<p style="text-align: right;">Page 224</p> <p>1 BY MS. GOODMAN:</p> <p>2 Q. -- who charge on such a basis, to your</p> <p>3 knowledge?</p> <p>4 MS. CLEMONS: Same objection.</p> <p>5 THE WITNESS: There are other providers.</p> <p>6 BY MS. GOODMAN:</p> <p>7 Q. And do you have the same concerns with</p> <p>8 respect to providers other than Google who charge</p> <p>9 on a cost-per-impression basis?</p> <p>10 MS. CLEMONS: Objection to form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. GOODMAN:</p> <p>13 Q. Okay. Has anybody at any advertising</p> <p>14 agency with whom CMS works ever told you that</p> <p>15 Google was engaging in anticompetitive conduct</p> <p>16 related to display advertising?</p> <p>17 A. Not that I recall.</p> <p>18 Q. Okay. So sitting here today, and prior</p> <p>19 to any conversation with any lawyer for the</p> <p>20 government, can you recall any concerns you've</p> <p>21 ever had with respect to Google's conduct and its</p> <p>22 affect on CMS's display advertising purchases?</p> <p>23 MS. CLEMONS: Objection to form.</p> <p>24 THE WITNESS: Extremely informal</p> <p>25 conversations between me and my colleagues.</p>
<p style="text-align: right;">Page 223</p> <p>1 Q. And what -- what concerns did you have</p> <p>2 with respect to Google causing CMS to pay more</p> <p>3 for display advertising than it should have been</p> <p>4 paying prior to any conversation with a lawyer</p> <p>5 for the government?</p> <p>6 A. It is possible -- in fact, indeed,</p> <p>7 probable, that when you are purchasing ads on a</p> <p>8 cost-per-impression basis, that you're buying</p> <p>9 things that are not useful to you.</p> <p>10 Q. And so in what ways has Google, to your</p> <p>11 knowledge, caused you to buy things that are not</p> <p>12 useful to you on a cost-per-impression basis?</p> <p>13 And when I say you, I mean CMS.</p> <p>14 MS. CLEMONS: Objection to form.</p> <p>15 THE WITNESS: It has been a concern that</p> <p>16 we have discussed. Whether it is -- the way you</p> <p>17 put the question was, like, pure knowledge.</p> <p>18 Because other ways to potentially buy, which we</p> <p>19 have not been able to do, would be to buy based</p> <p>20 on outcomes instead of impressions.</p> <p>21 BY MS. GOODMAN:</p> <p>22 Q. And is Google the only provider that you</p> <p>23 buy ads on an impression basis for, or are there</p> <p>24 other providers --</p> <p>25 MS. CLEMONS: Objection to form.</p>	<p style="text-align: right;">Page 225</p> <p>1 BY MS. GOODMAN:</p> <p>2 Q. And what extremely informal</p> <p>3 conversations between you and your colleagues are</p> <p>4 you referencing?</p> <p>5 A. Ones where we notice that all</p> <p>6 the digital ads that we place go through</p> <p>7 double-click; that the analytics come through</p> <p>8 Google analytics. There just seems to be a lot</p> <p>9 of Google along the ways. And we've had those</p> <p>10 comments, conversations and we just move on.</p> <p>11 Because, in the end of the day, we're just doing</p> <p>12 our jobs.</p> <p>13 Q. And have you rai -- ever raised those</p> <p>14 conversations with anybody outside of your</p> <p>15 colleagues?</p> <p>16 MS. CLEMONS: Objection to the extent</p> <p>17 that question calls for privileged communications</p> <p>18 with counsel. If you're -- if you can answer</p> <p>19 without referencing or being informed by</p> <p>20 privileged communications with counsel, you</p> <p>21 may do so.</p> <p>22 THE WITNESS: Sorry. I'm just trying to</p> <p>23 think and remember. It's mental gymnastics at</p> <p>24 this point. So --</p> <p>25 BY MS. GOODMAN:</p>

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<p>1 Q. Was it in 2023 or 2022?</p> <p>2 A. I believe it was in 2023.</p> <p>3 Q. And how did you become aware in 2023 of</p> <p>4 an investigation by the Department of Justice</p> <p>5 into Google?</p> <p>6 MS. CLEMONS: Objection; privileged.</p> <p>7 And I'm going to instruct the witness not to</p> <p>8 answer to the extent that your answer would be</p> <p>9 informed by or reveal privileged communications</p> <p>10 with counsel.</p> <p>11 BY MS. GOODMAN:</p> <p>12 Q. Are you able to answer that question,</p> <p>13 sir?</p> <p>14 A. No.</p> <p>15 Q. Okay. So is it fair to say, then, you</p> <p>16 became aware of an investigation by DOJ through</p> <p>17 lawyers?</p> <p>18 MS. CLEMONS: Objection. Calls for</p> <p>19 privileged information. I'm going to instruct</p> <p>20 the witness not to answer.</p> <p>21 MS. GOODMAN: I'm not asking for the</p> <p>22 communications. I'm asking for how he learned of</p> <p>23 something. The fact of learning it from lawyers</p> <p>24 is not privileged, one way or another. I'm not</p> <p>25 asking for the communications by which he learned</p>	<p>1 Microsoft Teams invite for a meeting. Subject:</p> <p>2 DOJ HHS CMS call regarding online advertising</p> <p>3 purchasing, which you are on in the "To" line,</p> <p>4 correct?</p> <p>5 A. I'm trying to get the subject. I will</p> <p>6 say what is correct is that I am on the "To"</p> <p>7 line.</p> <p>8 Ah, there's the subject. Sorry.</p> <p>9 DOJ HHS CMS call regarding online</p> <p>10 advertising purchasing, so, yes, correct.</p> <p>11 Q. And this -- did you recall -- do you</p> <p>12 recall participating in this call on January 6th,</p> <p>13 2023?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And to your recollection, did the</p> <p>16 call last the 30 minutes between 3 and 3:30 p.m.</p> <p>17 as reflected on this meeting invite?</p> <p>18 A. I do not recollect.</p> <p>19 Q. Okay. Do you think it lasted longer or</p> <p>20 shorter than that amount of time?</p> <p>21 A. I do not recollect.</p> <p>22 Q. Okay. Did you understand the purpose of</p> <p>23 this call to -- for DOJ to understand how CMS</p> <p>24 buys online ads?</p> <p>25 MS. CLEMONS: Objection. To the</p>
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<p>1 of it. I'm not asking for the substance of any</p> <p>2 discussions. I'm asking for how he learned this</p> <p>3 fact.</p> <p>4 MS. CLEMONS: You are assuming that he</p> <p>5 learned something and then asking whether he</p> <p>6 learned that fact through communications with</p> <p>7 counsel, which is the topic of the communication</p> <p>8 with counsel through which someone would learn</p> <p>9 something.</p> <p>10 MS. GOODMAN: And it's the same kind of</p> <p>11 thing that would appear on a privilege log. It</p> <p>12 doesn't delve into the substance of the</p> <p>13 communications.</p> <p>14 MS. CLEMONS: I'm going to instruct the</p> <p>15 witness not to answer.</p> <p>16 BY MS. GOODMAN:</p> <p>17 Q. Okay. Are you going to follow that</p> <p>18 instruction?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 MS. GOODMAN: Can I have Tab 3?</p> <p>22 (Exhibit No. 71, a document Bates</p> <p>23 Numbered CMS-ADS-189390, was introduced.)</p> <p>24 BY MS. GOODMAN:</p> <p>25 Q. Exhibit 71, CMS-ADS-189390. This is a</p>	<p>1 extent that question calls for privileged</p> <p>2 communications with counsel, I'm going to</p> <p>3 instruct the witness not to answer if your answer</p> <p>4 would be informed by communications with counsel.</p> <p>5 BY MS. GOODMAN:</p> <p>6 Q. Are you able to answer that question?</p> <p>7 A. I'm going to take counsel's direction.</p> <p>8 Q. Okay. So the only knowledge you have as</p> <p>9 to the purpose of this call is from lawyers; is</p> <p>10 that correct?</p> <p>11 MS. CLEMONS: You can answer yes or no.</p> <p>12 THE WITNESS: I don't recall.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. Okay. Sitting here today, can you think</p> <p>15 of any other source, other than communications</p> <p>16 with counsel, that informed your understanding of</p> <p>17 the purpose of this call in Exhibit 71 on January</p> <p>18 6th, 2023?</p> <p>19 MS. CLEMONS: I'm going to object to the</p> <p>20 extent it calls for communications with other CMS</p> <p>21 employees that were directed by counsel. So you</p> <p>22 may answer so long as your answer would not</p> <p>23 reveal privileged communications with counsel or</p> <p>24 directed by counsel.</p> <p>25 BY MS. GOODMAN:</p>

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<p style="text-align: right;">Page 254</p> <p>1 Q. Can you answer that question?</p> <p>2 A. I'm going to take counsel's instruction.</p> <p>3 Q. Okay. Well, she said you may answer as</p> <p>4 long as your answer would not reveal privileged</p> <p>5 communications with counsel or directed by</p> <p>6 counsel, so can you answer?</p> <p>7 A. By saying I'm taking the instruction,</p> <p>8 I'm taking the second half of that, that it is</p> <p>9 privileged communication.</p> <p>10 Q. Okay. How do you know if any</p> <p>11 communications that you have had with any</p> <p>12 CMS employee are directed by counsel?</p> <p>13 MS. CLEMONS: Objection to the</p> <p>14 extent that your answer would be informed by</p> <p>15 communications with counsel, or communications</p> <p>16 with other CMS employees that were directed by</p> <p>17 counsel, I'm going to instruct the witness not to</p> <p>18 answer.</p> <p>19 BY MS. GOODMAN:</p> <p>20 Q. Can you answer that question, sir?</p> <p>21 A. I cannot.</p> <p>22 Q. Okay. At the time of this meeting,</p> <p>23 January 6th, 2023, did you have any personal</p> <p>24 view on participating in a conversation with the</p> <p>25 Department of Justice on the topic of online</p>	<p style="text-align: right;">Page 256</p> <p>1 MS. CLEMONS: Objection; form.</p> <p>2 Foundation.</p> <p>3 THE WITNESS: Not particularly.</p> <p>4 BY MS. GOODMAN:</p> <p>5 Q. Okay. When -- at the time of this</p> <p>6 communication in January 2023, did you anticipate</p> <p>7 that CMS would be involved in a lawsuit against</p> <p>8 Google?</p> <p>9 MS. CLEMONS: Objection. I'm going</p> <p>10 to instruct the witness not to answer to the</p> <p>11 extent that your answer would be informed by</p> <p>12 communications with counsel or at the direction</p> <p>13 of counsel.</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. Can you answer that question?</p> <p>16 A. I cannot.</p> <p>17 Q. Okay. Did anybody -- this is a yes or</p> <p>18 no question. Did any lawyer direct you to have</p> <p>19 any conversations about online advertising in the</p> <p>20 time period of January 2023?</p> <p>21 MS. CLEMONS: Objection. I'm going to</p> <p>22 instruct the witness not to answer as that calls</p> <p>23 for privileged communications with counsel and</p> <p>24 their substance.</p> <p>25 BY MS. GOODMAN:</p>
<p style="text-align: right;">Page 255</p> <p>1 advertising purchasing?</p> <p>2 MS. CLEMONS: Objection to form. And</p> <p>3 I'm also going to instruct the witness not to</p> <p>4 answer if your answer would reveal the</p> <p>5 com -- privileged communications with counsel.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MS. GOODMAN:</p> <p>8 Q. So setting aside any conversations with</p> <p>9 any lawyer, I'm asking for your personal view on</p> <p>10 having to participate in a conversation with</p> <p>11 regard to online advertising purchasing. Did you</p> <p>12 have a personal view one way or the other?</p> <p>13 MS. CLEMONS: Objection to form.</p> <p>14 THE WITNESS: No.</p> <p>15 BY MS. GOODMAN:</p> <p>16 Q. Did you want to participate in that</p> <p>17 call?</p> <p>18 A. That's a different question.</p> <p>19 Q. Okay. What's the answer to that</p> <p>20 question?</p> <p>21 A. Sort of.</p> <p>22 Q. Why do you say "sort of"?</p> <p>23 A. I'm a curious person.</p> <p>24 Q. Is there any reason you did not want to</p> <p>25 participate in that call?</p>	<p style="text-align: right;">Page 257</p> <p>1 Q. Are you following that instruction?</p> <p>2 A. Yes, I am.</p> <p>3 Q. Okay.</p> <p>4 MS. GOODMAN: Can I have Tab 4?</p> <p>5 BY MS. GOODMAN:</p> <p>6 Q. Much earlier in the day we talked about</p> <p>7 weekly meetings that you have with your team. Do</p> <p>8 you recall that testimony?</p> <p>9 A. I do.</p> <p>10 Q. Okay. Has the subject of CMS's online</p> <p>11 advertising purchases ever been a topic of such</p> <p>12 weekly meetings in the January 2023 time period</p> <p>13 to your recollection?</p> <p>14 A. I do not --</p> <p>15 MS. CLEMONS: Objection to the extent</p> <p>16 that it would call for conversations directed by</p> <p>17 counsel, or made at the request of counsel.</p> <p>18 You may answer if the answer would not</p> <p>19 be informed by conversations with counsel or</p> <p>20 directed by counsel.</p> <p>21 THE WITNESS: I do not recall. We</p> <p>22 clearly talk about online advertising a lot. So</p> <p>23 whether we talked about it in January or not, the</p> <p>24 odds are high, yes.</p> <p>25 ///</p>

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<p style="text-align: right;">Page 258</p> <p>1 (Exhibit No. 72, a document Bates</p> <p>2 Numbered CMS-ADS-64968 through 64971, was</p> <p>3 introduced.)</p> <p>4 BY MS. GOODMAN:</p> <p>5 Q. Okay. I'm going to hand you Exhibit 72,</p> <p>6 CMS-ADS-64968 through 64971. And this is an</p> <p>7 email that was sent to you on January 11th, 2023,</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And the subject is SMG Weekly</p> <p>11 Agenda. Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Is this the weekly agenda for the</p> <p>14 full Strategic Marketing Group meetings that we</p> <p>15 discussed at the beginning of the deposition?</p> <p>16 A. No, it is not.</p> <p>17 Q. Okay. For what group -- for what weekly</p> <p>18 meeting is this the agenda? What category of</p> <p>19 weekly meeting?</p> <p>20 A. This is the agenda for a meeting between</p> <p>21 me and my boss.</p> <p>22 Q. Okay. How do you know that?</p> <p>23 A. The SMG Weekly Meeting is the title of</p> <p>24 the meeting between my boss and I.</p> <p>25 Q. Okay. And your boss is not on this</p>	<p style="text-align: right;">Page 260</p> <p>1 BY MS. GOODMAN:</p> <p>2 Q. Are you following that instruction?</p> <p>3 A. Yes, I am.</p> <p>4 Q. Okay. Did you discuss antitrust online</p> <p>5 advertising with any of the individuals on this</p> <p>6 email, the individuals in the "From" or the "cc"</p> <p>7 or the "To" line?</p> <p>8 MS. CLEMONS: Objection. Calls for</p> <p>9 privileged information and communications. I'm</p> <p>10 going to instruct the witness not to answer to</p> <p>11 the extent that your answer would be informed or</p> <p>12 directed by privileged communications with</p> <p>13 counsel.</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. Are you able to answer that question,</p> <p>16 sir?</p> <p>17 A. No, I am not.</p> <p>18 Q. Mm-hmm.</p> <p>19 And is that because, to the extent you</p> <p>20 discussed antitrust online advertising with any</p> <p>21 of the individuals on this email, that it was</p> <p>22 done -- that it was informed or directed by</p> <p>23 communications with counsel?</p> <p>24 MS. CLEMONS: Objection. I'm going</p> <p>25 to instruct the witness not to answer as that</p>
<p style="text-align: right;">Page 259</p> <p>1 email, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. Okay. Who puts together this weekly</p> <p>4 agenda for your meeting with your boss?</p> <p>5 A. It is put together by me and my team.</p> <p>6 Q. Okay. And you see the second bullet</p> <p>7 here, Antitrust Online Advertising - Google</p> <p>8 Banner Ads. What is that a reference to?</p> <p>9 MS. CLEMONS: Objection. Calls for</p> <p>10 privileged information. I'm going to instruct</p> <p>11 the witness not to answer.</p> <p>12 BY MS. GOODMAN:</p> <p>13 Q. Are you following that instruction?</p> <p>14 A. Yes, I am.</p> <p>15 Q. Okay. Does this bullet exist on this</p> <p>16 agenda at the direction of any lawyer?</p> <p>17 A. I don't recall.</p> <p>18 Q. Okay. Did any lawyer ask you to discuss</p> <p>19 antitrust online advertising with your boss --</p> <p>20 MS. CLEMONS: Objection.</p> <p>21 BY MS. GOODMAN:</p> <p>22 Q. -- at this time period?</p> <p>23 MS. CLEMONS: Calls for privileged</p> <p>24 communications with counsel. I'm going to</p> <p>25 instruct the witness not to answer.</p>	<p style="text-align: right;">Page 261</p> <p>1 question calls for the substance of privileged</p> <p>2 communications with counsel.</p> <p>3 BY MS. GOODMAN:</p> <p>4 Q. Are you following that instruction?</p> <p>5 A. Yes, I am.</p> <p>6 MS. GOODMAN: Okay. Ms. Clemons,</p> <p>7 you understand that these questions are all</p> <p>8 directed at establishing whether you've met the</p> <p>9 evidentiary basis for invoking a privilege? And</p> <p>10 so by preventing the witness from answering the</p> <p>11 questions, you have actually precluded any record</p> <p>12 on whether a privilege applies.</p> <p>13 MS. CLEMONS: What you are asking is for</p> <p>14 the witness to tell you what he talked to or did</p> <p>15 not talk to counsel about. And we are perfectly</p> <p>16 capable of establishing a record outside of you</p> <p>17 asking the witness to describe his communications</p> <p>18 with counsel.</p> <p>19 MS. GOODMAN: I'm not asking him</p> <p>20 to describe with any detail that reveals any</p> <p>21 substance of any communications. I am asking for</p> <p>22 the kind of information that would appear on a</p> <p>23 privilege log that is necessary for you to</p> <p>24 support a claim of privilege. And so I would</p> <p>25 ask you to revisit your objections so that the</p>

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<p>1 witness can provide his under oath, sworn</p> <p>2 testimony about whether a privilege applies.</p> <p>3 MS. CLEMONS: And I'm going to instruct</p> <p>4 the witness not to reveal the substance of</p> <p>5 communications with counsel, --</p> <p>6 MS. GOODMAN: Okay.</p> <p>7 MS. CLEMONS: -- or communications at</p> <p>8 the direction of counsel.</p> <p>9 MS. GOODMAN: Or communications informed</p> <p>10 by counsel, correct?</p> <p>11 MS. CLEMONS: Yes.</p> <p>12 MS. GOODMAN: So anything within the</p> <p>13 penumbra of communications with counsel you will</p> <p>14 instruct the witness not to answer, correct?</p> <p>15 MS. CLEMONS: I'm not sure exactly what</p> <p>16 you mean by "penumbra of communications with</p> <p>17 counsel," but, yes.</p> <p>18 MS. GOODMAN: Okay.</p> <p>19 BY MS. GOODMAN:</p> <p>20 Q. Did you speak to Debra Hoffman about</p> <p>21 antitrust online advertising?</p> <p>22 MS. CLEMONS: Objection. I'm going to</p> <p>23 instruct the witness not to answer as that</p> <p>24 question calls for the substance of privileged</p> <p>25 communications with counsel or communications</p>	<p>1 BY MS. GOODMAN:</p> <p>2 Q. Okay. So, sir, did you have any</p> <p>3 conversations with Debra Hoffman about online</p> <p>4 antitrust advertising?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. What were the conversations you</p> <p>7 had with Ms. Hoffman about antitrust online</p> <p>8 advertising?</p> <p>9 MS. CLEMONS: Objection. I'm going</p> <p>10 to instruct the witness not to answer to the</p> <p>11 extent that your answer would be informed by</p> <p>12 communications with counsel or reveal the</p> <p>13 substance of directions of counsel.</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. Are you following that instruction?</p> <p>16 A. Yes, I am.</p> <p>17 Q. Okay.</p> <p>18 MS. GOODMAN: Can I have Tab 6?</p> <p>19 MS. CLEMONS: We've actually been going</p> <p>20 over an hour, so it might be time for a break.</p> <p>21 THE WITNESS: Just kind of split it up.</p> <p>22 What, we've got about an hour left, then?</p> <p>23 MS. GOODMAN: Sure. Let's take a break.</p> <p>24 THE VIDEOGRAPHER: The time is 5:25 p.m.</p> <p>25 This ends Unit 5.</p>
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<p>1 directed by counsel.</p> <p>2 BY MS. GOODMAN:</p> <p>3 Q. Did anybody direct you to speak to Debra</p> <p>4 Hoffman about antitrust online advertising?</p> <p>5 MS. CLEMONS: Same objection.</p> <p>6 BY MS. GOODMAN:</p> <p>7 Q. Yes or no.</p> <p>8 MS. CLEMONS: Instruct the witness not</p> <p>9 to answer.</p> <p>10 BY MS. GOODMAN:</p> <p>11 Q. It's a yes or no question. Did anybody</p> <p>12 direct you to have a conversation with Debra</p> <p>13 Hoffman about antitrust online advertising?</p> <p>14 MS. CLEMONS: Objection. I'm going to</p> <p>15 instruct the witness not to answer.</p> <p>16 BY MS. GOODMAN:</p> <p>17 Q. Are you following that instruction, sir?</p> <p>18 A. Yes, I am.</p> <p>19 Q. Okay. And will you answer, sir, one way</p> <p>20 or another, whether you had any conversations</p> <p>21 with Debra Hoffman about online antitrust</p> <p>22 advertising?</p> <p>23 MS. CLEMONS: You could answer that yes</p> <p>24 or no.</p> <p>25 THE WITNESS: Yes.</p>	<p>1 (Recess taken.)</p> <p>2 THE VIDEOGRAPHER: Time is 5:40 p.m.</p> <p>3 This begins Unit Number 6. We're on the record.</p> <p>4 (Exhibit No. 73, a document Bates</p> <p>5 Numbered CMS-ADS-440295, was introduced.)</p> <p>6 BY MS. GOODMAN:</p> <p>7 Q. Mr. Koepke, I'm handing you Exhibit 73,</p> <p>8 CMS-ADS-440295.</p> <p>9 A. Thank you.</p> <p>10 Q. You're welcome.</p> <p>11 And this is an email you received on</p> <p>12 January 18th, 2023. Subject: Barb's two</p> <p>13 -- two-on-one agenda, correct?</p> <p>14 A. Yes.</p> <p>15 Q. The third bullet, Antitrust, do you know</p> <p>16 what that's a reference to?</p> <p>17 MS. CLEMONS: Objection. I'm going to</p> <p>18 instruct the witness not to answer to the extent</p> <p>19 your answer would be informed by privileged</p> <p>20 communications with counsel.</p> <p>21 BY MS. GOODMAN:</p> <p>22 Q. Are you able to answer that question</p> <p>23 without relying on privilege communications with</p> <p>24 counsel?</p> <p>25 A. No, I'm not.</p>

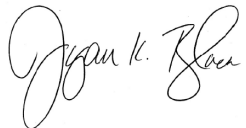
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<p style="text-align: right;">Page 266</p> <p>1 Q. Okay. Did you have discussions on the</p> <p>2 topic of antitrust online advertising with any</p> <p>3 individuals within the Strategic Marketing Group?</p> <p>4 MS. CLEMONS: Objection. And I'm going</p> <p>5 to instruct the witness not to answer to the</p> <p>6 extent your answer would reveal communications</p> <p>7 with counsel or actions taken at the direction of</p> <p>8 counsel.</p> <p>9 BY MS. GOODMAN:</p> <p>10 Q. So my question is a simple yes or no</p> <p>11 question: Did you have discussions on the</p> <p>12 topic of antitrust online advertising with any</p> <p>13 individuals within the Strategic Marketing Group?</p> <p>14 Based on your client -- your counsel's</p> <p>15 instruction, are you able to answer that question</p> <p>16 yes or no?</p> <p>17 MS. CLEMONS: You can answer yes or no.</p> <p>18 THE WITNESS: Okay. Now you just asked</p> <p>19 me two questions. I'm so sorry. What one do you</p> <p>20 want me to ask -- answer?</p> <p>21 BY MS. GOODMAN:</p> <p>22 Q. Did you have discussions on the</p> <p>23 topic of antitrust online advertising with any</p> <p>24 individuals within the Strategic Marketing Group?</p> <p>25 Yes or no.</p>	<p style="text-align: right;">Page 268</p> <p>1 no?</p> <p>2 A. I cannot answer that question.</p> <p>3 Q. Okay.</p> <p>4 MS. GOODMAN: I'll take 57 -- 58.</p> <p>5 (Exhibit No. 74, a document Bates</p> <p>6 Numbered CMS-ADS-531032 through 531072, was</p> <p>7 introduced.)</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. I'm handing you Exhibit 74,</p> <p>10 CMS-ADS-531032 through 531072. And this is an</p> <p>11 email you sent on January 12th, 2023, to Holly</p> <p>12 Baier, correct?</p> <p>13 A. Holly Baier, yes.</p> <p>14 Q. Holly Baier. Okay. Who is Holly Baier?</p> <p>15 A. Holly Baier is the special assistant in</p> <p>16 the Strategic Marketing Group.</p> <p>17 Q. Okay. And the second email down in the</p> <p>18 thread you write, "Hi, guys. I think we share</p> <p>19 this information. D1 shows how we account for</p> <p>20 funds. I just think we should see if we could</p> <p>21 block out names and their respective hourly</p> <p>22 rates. What do you think." Do you see that?</p> <p>23 A. I do see that.</p> <p>24 Q. Okay. When you say, "I think we share</p> <p>25 this information," who are you referring to</p>
<p style="text-align: right;">Page 267</p> <p>1 A. Yes.</p> <p>2 Q. Which individuals?</p> <p>3 MS. CLEMONS: I'm going to caution the</p> <p>4 witness not to answer if your answer would reveal</p> <p>5 communications with counsel or actions taken at</p> <p>6 the direction of counsel.</p> <p>7 BY MS. GOODMAN:</p> <p>8 Q. Are you able to answer that question,</p> <p>9 sir?</p> <p>10 A. No, I am not.</p> <p>11 Q. So you cannot answer the names of</p> <p>12 the people who you spoke with within Strategic</p> <p>13 Marketing Group on the topic of antitrust online</p> <p>14 advertising?</p> <p>15 A. That is correct.</p> <p>16 Q. Okay. Did you have discussions with</p> <p>17 anybody at any advertising agency working for CMS</p> <p>18 on the topic of antitrust online advertising?</p> <p>19 MS. CLEMONS: I'm going to instruct the</p> <p>20 witness not to answer to the extent that your</p> <p>21 answer would reveal privileged communications</p> <p>22 with counsel or actions taken at the direction of</p> <p>23 counsel.</p> <p>24 BY MS. GOODMAN:</p> <p>25 Q. You can't answer that question yes or</p>	<p style="text-align: right;">Page 269</p> <p>1 sharing this information with?</p> <p>2 MS. CLEMONS: I'm going to object. To</p> <p>3 the extent that your answer would be informed by</p> <p>4 communications with counsel or reveal the</p> <p>5 direction of counsel, and if you have any</p> <p>6 questions about where those lines might be or</p> <p>7 whether something would reveal the directions of</p> <p>8 counsel, we could take a break, if you need to.</p> <p>9 THE WITNESS: I do not need to take a</p> <p>10 break, so many questions on the table.</p> <p>11 I'm taking advice of counsel.</p> <p>12 BY MS. GOODMAN:</p> <p>13 Q. Okay. So you cannot answer the question</p> <p>14 who are you -- you cannot answer, one way or the</p> <p>15 other, based on the instruction of your lawyer,</p> <p>16 who you are referring to when you say, "I think</p> <p>17 we share this information." Is that acc -- am I</p> <p>18 getting that correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Okay. Why did you want to block out</p> <p>21 names and their respective hourly rates?</p> <p>22 A. Let's see. What was the date on this?</p> <p>23 Q. January 12th, 2023.</p> <p>24 A. January 12th.</p> <p>25 At this time, January 12th, we were</p>

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<p style="text-align: right;">Page 290</p> <p>1 deposition is over and that Google does not have</p> <p>2 grounds to hold the deposition open.</p> <p>3 MS. GOODMAN: Okay. Thank you for your</p> <p>4 time, Mr. Koepke.</p> <p>5 THE WITNESS: It was my pleasure. This</p> <p>6 was fun.</p> <p>7 THE VIDEOGRAPHER: Time is 6:23 p.m.</p> <p>8 We're off the record.</p> <p>9 (Deposition concluded -- 6:23 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 292</p> <p>1 Katherine Clemons Esq</p> <p>2 Katherine.clemons@usdoj.gov</p> <p>3 August 22nd, 2023</p> <p>4 RE: United States, Et Al v. Google, LLC</p> <p>5 8/21/2023, Christopher Koepke (#6043164)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 (erratas-cs@veritext.com).</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 291</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I do hereby certify that I am a Notary</p> <p>4 Public in good standing, that the aforesaid</p> <p>5 testimony was taken before me, pursuant to</p> <p>6 notice, at the time and place indicated; that</p> <p>7 said deponent was by me duly sworn to tell the</p> <p>8 truth, the whole truth, and nothing but the</p> <p>9 truth; that the testimony of said deponent was</p> <p>10 correctly recorded in machine shorthand by me and</p> <p>11 thereafter transcribed under my supervision with</p> <p>12 computer-aided transcription; that the deposition</p> <p>13 is a true and correct record of the testimony</p> <p>14 given by the witness; and that I am neither of</p> <p>15 counsel nor kin to any party in said action, nor</p> <p>16 interested in the outcome thereof.</p> <p>17</p> <p>18 WITNESS my hand and official seal this</p> <p>19 22nd day of</p> <p>20 </p> <p>21</p> <p>22 Notary Public</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 293</p> <p>1 United States, Et Al v. Google, LLC</p> <p>2 Christopher Koepke (#6043164)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE____ LINE____ CHANGE_____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE____ LINE____ CHANGE_____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE____ LINE____ CHANGE_____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE____ LINE____ CHANGE_____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE____ LINE____ CHANGE_____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE____ LINE____ CHANGE_____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Christopher Koepke Date _____</p> <p>25</p>

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1 United States, Et Al v. Google, LLC

2 Christopher Koepke (#6043164)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Christopher Koepke, do hereby declare that I

5 have read the foregoing transcript, I have made any

6 corrections, additions, or changes I deemed necessary as

7 noted above to be appended hereto, and that the same is

8 a true, correct and complete transcript of the testimony

9 given by me.

10

11 _____

12 Christopher Koepke Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 _____ DAY OF _____, 20____.

16

17

18

19 _____

20 NOTARY PUBLIC

21

22

23

24

25

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

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